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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,712	06/22/2000	Timothy E. Dickson	2400-370	8765

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EXAMINER

GORT, ELAINE L

ART UNIT PAPER NUMBER

3627

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,712

Applicant(s)

DICKSON, TIMOTHY E.

Examiner

Elaine Gort

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCall et al. (US Patent 6,152,591) in view of Corfitsen (US Patent 5,238,034).

McCall et al. discloses a system controller (such as controller which controls pump, point of sale/transaction controller, credit card reader – uniquely identifies customer, multimedia controller and all other controllers disclosed); fuel dispensers (such as 10) in data transfer communication with said system controller, configured to dispense fuel to a vehicle; and a transaction accounting delivery station (station located in store, receipt is printed in the store when user selects “inside payment” at the pump, user uses indicia to notify clerk to reference their pump purchase) in data transfer communication with the fuel dispenser, configured to optionally deliver a transaction accounting (receipt) to the customer.

McCall et al. discloses the claimed device except for wherein the fuel dispenser does not have a receipt printer. Corfitsen discloses that it is known in

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the art to provide a fuel dispenser without a printer in order to provide the printer more conveniently located for the driver. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fuel dispensing system of McCall et al. with a fuel dispenser without a receipt printer as taught by Corfitsen, in order to conveniently locate the receipt printer for the driver. All other claimed limitations are either disclosed or inherent.

3. Claims 5 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCall et al. and Corfitsen, as modified above, in view of Hartsell, Jr. et al. (US Patent 5,956,259).

McCall et al. and Corfitsen, as modified above, disclose the claimed device except for vehicle presence sensors. Hartsell, Jr. et al. discloses that it is known in the art to provide vehicle fueling station systems with transponder sensors for sensing and identifying a vehicle or user's presence without the driver having to enter the information. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of McCall et al. and Corfitsen, as modified above, with the transponder system of Hartsell, Jr. et al., in order to allow the vehicle's presence and identification of the user to be sensed without the user having to enter identifying information.

Regarding the use of biometric sensors, biometric sensors are old and well known in the art of security to prevent fraud by identifying users and it would have been obvious at the time of the invention for one of ordinary skill in the art

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to utilize biometrics in the system of McCall et al. to prevent fraudulent use of the system.

Response to Arguments

Applicant's arguments with respect to claims 1-7 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Examiner believes that potential areas of clarification leading to an allowance may exist and invites Applicant to an in-person interview to further discuss any potential areas.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

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the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG



June 4, 2003



ROBERT P. OLSZEWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600